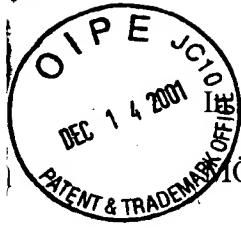


#12
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Here patent application of:

MÖCKEL, et al.

Appl. No.: 09/715,035

Filed: November 20, 2000

For: **Novel Nucleotide Sequences
Encoding the pfkA Gene**

Art Unit: 1652

Examiner: C. Fronda

Atty. Dkt. 21123/274441

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated November 9, 2001, in which the Examiner imposed a restriction requirement on the above-captioned application, Applicants hereby elect the inventions of Group I, including claims 1-7, drawn to an isolated polynucleotide from coryneform bacteria. Applicants respectfully request that the claims in the non-elected restriction group be cancelled without prejudice.

The present election of restriction Group I is made with traverse. The claims in restriction groups III-V are related to those in group II in the same manner as species are related to a broader genus. Even though species are patentably distinct, a reasonable number are permitted within a single application (see MPEP 806.04(a) *et seq.*). Applicants therefore respectfully request that the claims of restriction groups III-V be combined into a single group.

Applicants do not believe that any fee is required for the filing of the present document. Nevertheless, any fees that may be required may be charged to our Deposit Account No. 03-3975. Similarly, if one or more extensions of time are required to prevent the present application from going abandoned, then such extensions of time are hereby petitioned, and any fees therefor may also be charged to our Deposit Account No. 03-3975.

If, in the opinion of the Examiner, a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,

PILLSBURY WINTHROP LLP

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